

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Policy and Conflict Resolution Advancement Act of 2002”.

SEC. 2. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

“(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 \$4,000,000 for each of fiscal years 2004 through 2008, of which—

“(1) \$3,000,000 shall be used to pay operations costs (including not more than \$1,000 for official reception and representation expenses); and

“(2) \$1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.”.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 609, S. 1210.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Matter to be omitted is shown in black brackets; matter to be added is shown in bold italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.]

[This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2001”.

[SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.]

[(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking “, 1999, 2000, and 2001” and inserting “through 2006”.

[(b) FEDERAL GUARANTEES.—Subsections (a) and (b) of section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) are each amended by striking “, 1998, 1999, 2000, and 2001” and inserting “through 2006”.

[(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking “, 1998, 1999, 2000, and 2001” and inserting “through 2006”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2002”.

SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking “1998, 1999, 2000, and 2001” and inserting “1998 through 2007”.

(b) FEDERAL GUARANTEES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended—

(1) in subsection (a), by striking “1997, 1998, 1999, 2000, and 2001” and inserting “1997 through 2007”; and

(2) in subsection (b), by striking “1997, 1998, 1999, 2000, and 2001” and inserting “1997 through 2007”.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking “1997, 1998, 1999, 2000, and 2001” and inserting “1997 through 2007”.

(d) INDIAN HOUSING LOAN GUARANTEE FUND.—Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5)(C), by striking “each fiscal year” and inserting “each of fiscal years 1997 through 2007”; and

(2) in paragraph (7), by striking “each fiscal year” and inserting “each of fiscal years 1997 through 2007”.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended by adding at the end the following:

“(22) HOUSING RELATED COMMUNITY DEVELOPMENT.—

“(A) IN GENERAL.—The term ‘housing related community development’ means any tribally-owned and operated facility, business, activity, or infrastructure that—

“(i) is necessary to the direct construction of reservation housing; and

“(ii) would help an Indian tribe or its tribally-designated housing authority reduce the cost of construction of Indian housing or otherwise promote the findings of this Act.

“(B) EXCLUSION.—The term ‘housing and community development’ does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).”.

SEC. 4. BLOCK GRANTS AND GRANT REQUIREMENTS.

Section 101(h) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(h)) is amended—

(1) in the heading, by inserting “AND PLANNING” after “ADMINISTRATIVE”; and

(2) by inserting after the word “Act” the first place that term appears, the following: “for comprehensive housing and community development planning activities and”.

SEC. 5. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114) is amended—

(1) in subsection (a)(1)—

(A) by striking “A recipient” and inserting the following: “Notwithstanding any other provision of this Act, a recipient”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this Act.”; and

(2) in subsection (a)(2)—

(A) in the heading, by inserting “RESTRICTED ACCESS OR” before the word “REDUCTION”; and

(B) in subparagraph (B), by striking “or” at the end;

(C) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(D) whether the recipient has expended retained program income for housing-related activities.”.

SEC. 6. REGULATIONS.

Section 106(b)(2)(A) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)(A)) is amended by inserting after “required under this Act” the following: “, including any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act.”.

SEC. 7. FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.

Section 601 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191) is amended—

(1) in subsection (a), by inserting after “section 202” the following: “and housing related community development activity as consistent with the purposes of this Act”; and

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (e), respectively.

SEC. 8. FEASIBILITY STUDIES TO IMPROVE THE DELIVERY OF HOUSING ASSISTANCE IN NATIVE COMMUNITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended by adding at the end the following:

“(7) COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.—

“(A) IN GENERAL.—Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

“(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

“(8) SELF-DETERMINATION ACT DEMONSTRATION PROJECT.—

“(A) IN GENERAL.—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making in the design and implementation of Federal housing and related activity funding.

“(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.”.

SEC. 9. BLACK MOLD INFESTATION STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) complete a study on the extent of black mold infestation of Native American housing in the United States; and

(2) submit to Congress a report that describes recommendations of the Secretary for means by which to address the infestation.

Mr. SARBANES. Mr. President, on September 12, 2002, the Committee on Banking, Housing, and Urban Affairs reported out favorably S. 1210, the Native American Housing Assistance and Self-Determination Reauthorization Act, NAHASDA. The Indian Affairs Committee referred NAHASDA to the Committee on Banking, Housing, and Urban Affairs on August 28, 2002. According to the Senate Rules, all legislation affecting HUD's Indian Housing programs must be considered in the Banking Committee. This is bipartisan legislation that has the support of the National American Indian Housing Council, NAIHC.

The NAHASDA Reauthorization Act extends the program originally created in 1996. The bill makes very modest changes to update the legislation, including asking HUD to explore ways to increase tribal self-determination with regards to the NAHASDA block grant. It also asks HUD to do a study of black mold, which is apparently is a growing problem on reservations.

In 1996, Congress passed NAHASDA in order to strengthen federal housing assistance for tribal communities. NAHASDA provides block grants to Indian tribes or their tribally designated housing entities, TDHEs, for affordable housing activities that were previously under general housing programs, including public housing, section 8, Youthbuild, and homeless programs. Consolidating these funds into a block grant helps to meet the goal of self-determination for Indian tribes.

Since its passage, NAHASDA has achieved many successes. HUD reports that through NAHASDA, 25,000 new units of housing has been produced in Indian communities. In spite of NAHASDA's successes, many of the people in these communities still live in severely substandard housing. According to the NAIHC, Native American housing is said to be six to eight times more crowded than the national average. Furthermore, it is estimated that 1 out of every 5 Indian homes lacks complete plumbing; and 40 percent of homes on Indian lands are overcrowded. These figures demonstrate the need for affordable housing programs, like NAHASDA, that benefit Native American communities.

Mr. JOHNSON. Mr. President, I am proud to be a cosponsor of the bill to reauthorize the Native American Housing Assistance and Self-Determination Act which is an important step in strengthening Federal housing assistance for tribal authorities. I urge prompt consideration of this legislation by the full Congress. I wish to thank Senators INOUE and CAMPBELL

for their work on this bill during deliberations in the Committee on Indian Affairs. Also, I wish to thank Senator SARBANES for his leadership in moving this bill quickly through the Banking Committee.

Throughout my 16 years in Congress, I have been dismayed by the living conditions of Native Americans. On numerous occasions, it has been documented that Native Americans have the worst housing conditions in the United States. Rampant overcrowding, homelessness, and a crumbling housing stock plague our tribal communities, and South Dakota has seen some of the worst conditions overall. Our tribes suffer from anywhere between 50 to 80 percent unemployment on Native American reservations. According to the Housing Assistance Council, South Dakota contains 10 counties that are inhabited by 30 to 65 percent of persons below poverty.

NAHASDA was originally passed in 1996 to strengthen Federal housing assistance to tribal communities. NAHASDA provides block grants to Indian tribes for affordable housing activities that were previously under general housing programs, including public housing, section 8, Youthbuild, and homeless programs. I believe that consolidating these funds in a block grant to tribes helps meet the goal of self-determination for Indian tribes.

NAHASDA has proven to be a vast improvement over the previous way that housing assistance was provided to tribes. The Federal Government must end the practice of treating our first Americans as third class citizens. As this bill is considered by the full Senate, I will continue to press my colleagues for their full support.

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee substitute amendment be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1210), as amended, was read the third time and passed.

ORDERS FOR MONDAY, OCTOBER 7, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today—maybe I should say tonight—it adjourn until the hour of 12 noon, Monday, October 7, 2002; that on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for

morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half under the control of Senator WYDEN, and the second half under the control of the Republican leader or his designee; that at 1 p.m., the Senate resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak up to 15 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I announce on behalf of the majority leader that we should move to as many Iraq speeches as quickly as we can. Not everyone can give their speeches on Wednesday. It is possible someone might attempt to invoke cloture on this legislation. If that, in fact, were the case, everyone should be aware that following Thursday, we would be in postcloture if someone decided to file it on Tuesday. So everyone should be aware of that and move forward with the speeches as quickly as possible.

There will be no votes on Monday, Mr. President.

ADJOURNMENT UNTIL MONDAY, OCTOBER 7, 2002

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 6:09 p.m., adjourned until Monday, October 7, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 4, 2002:

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2007, VICE WILMA B. LIEBMAN, TERM EXPIRING.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006, VICE PETER J. HURTGEN.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. WAGNER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERRISH NASSER G. ABU, 0000
ZAIGHAM H. ANSARI, 0000
ERIC L. BERNING, 0000
JAMES P. BROOKS, 0000
ROSEMARY PHILLIPS CARDOSI, 0000
BLAINE J. CASHMORE, 0000
NATHI A. CHEN, 0000
BRADLEY R. DAVIS, 0000
DONALD D. DILWORTH, 0000
DANIEL H. DUFFY, 0000
MATTHEW J. FICENEC, 0000
GILBERT A. FIELD, 0000